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October 22, 2024

*Via CM/ECF*

Hon. Stacey D. Adams  
United States Magistrate Judge  
United States District Court  
District of New Jersey  
2 Federal Square  
Newark, NJ 07102

Re: *Navigators Specialty Insurance Company v. Citizens Insurance Company of America*, Case No. 2:22-01866-MEF-SDA

Dear Judge Adams:

This firm represents Plaintiff Navigators Specialty Insurance Company (“Navigators”). This status report follows our October 1<sup>st</sup> conference during which we discussed i) the status of discussions to resolve the attorney fee issue; and ii) the three appeals filed in the underlying personal injury action, for which coverage is sought in this lawsuit, and the effect of those appeals on the remaining issues in this coverage action. The parties jointly submit this status report pursuant to the Court’s October 9, 2024 Order (Doc. # 57).

As per Defendant’s request, Navigators provided Defendant with certain information concerning the attorney fee issue. Thereafter, Defendant agreed that it will pay for the future attorneys’ fees and other costs incurred by, or on behalf of, AJD Construction in the underlying matter. We are currently working on finalizing that agreement and otherwise putting it into place.

With respect to the status of the pending appeals in the underlying action (by the underlying plaintiff, Navigators’ named insured and Defendant’s name insured), the current briefing schedule commences with the first opening brief to be filed on November 11, 2024 and the last reply brief to be filed on December 30, 2024.

As we previously advised the Court, the resolution of the underlying action, including these appeals, will likely impact, if not determine, the remaining duty to indemnify issues in this action.

It also will likely impact any and all remaining necessary discovery and other issues pertinent to this action. Accordingly, the parties respectfully request that the Court issue a stay of this action pending a final decision on the above-referenced appeals.

The parties remain available to discuss these issues with the Court or to provide periodic status reports to the Court.

Respectfully submitted,

*s/Patricia Dee Bilka*

Patricia Dee Bilka

Cc: All Parties *Via* CM/ECF